

UNITED STATES DISTRICT COURT NOV 14 2018
for the
Southern District of Texas
Clerk of Court

United States of America
v.
Johnatan Geovani GARCIA-De Leon
(YOB: 1991; MX)

Case No.

M-18-2348-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 13, 2018 in the county of Starr in the
Southern District of Texas, the defendant(s) violated:

Code Section

21 USC 841
21 USC 846

Offense Description

defendant did, knowingly and intentionally possess with the intent to distribute approximately 15.96 kilograms of cocaine, a Schedule I controlled substance, and did knowingly and intentionally conspire to possess with intent to distribute with persons known and unknown approximately 15.96 kilograms of cocaine, a Schedule I controlled substance

This criminal complaint is based on these facts:

Before the United States Magistrate Judge, Southern District of Texas, I, Gilberto Gamez, Special Agent, United States Homeland Security Investigations, being duly sworn, depose and say the following:

See Attachment A

☒ Continued on the attached sheet.

Approved by



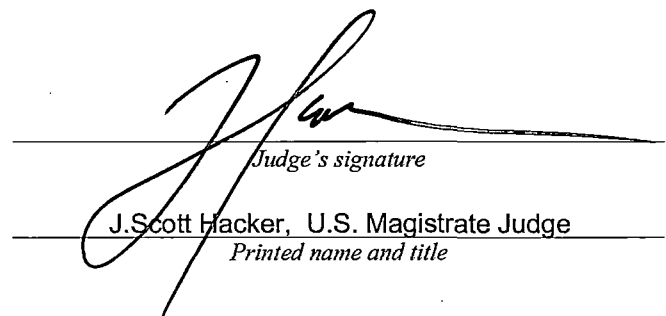
Complainant's signature

Gilberto Gamez Special Agent HSI Falcon Dam, TX
Printed name and title

Sworn to before me and signed in my presence.

Date: 11/14/2018

City and state: McAllen, Texas


Judge's signature
J. Scott Hacker, U.S. Magistrate Judge
Printed name and title

Attachment A

On November 13, 2018, Roma, Texas Port of Entry (POE) Customs and Border Protection (CBP) Officers reported Johnatan Geovani GARCIA-De Leon, a Mexican National, and his mother arrived at the POE driving a 2011 Chevrolet Equinox displaying Mexican license plate 497TRP3 and seeking to make entry into the United States. CBP canine handler advised the dog had alerted to the rear passenger door panel. The vehicle was referred to secondary inspection. During the secondary inspection a CBP Officer was able to observe packages concealed when he looked down the window track of the door. GARCIA-De Leon and his mother were detained was after CBP Officers removed fourteen (14) bricks wrapped in black tape with an approximate weight of 15.96 kilograms concealed inside all four doors of the vehicle operated by GARCIA-De Leon. The substance in all the packages were tested and were positive for the presence of cocaine.

CBP advised and requested assistance from U.S. Homeland Security Investigation (HSI), Special Agents (SA). Agents arrived to investigate and interview the occupants. HSI SA Rafael Garza Jr advised GARCIA-De Leon of his Miranda Rights in the Spanish language, which was witnessed by both HSI SA Gilberto Gamez and HSI Taskforce Officer Mario Canales. GARCIA-De Leon stated he understood his rights and was willing to answer questions without an attorney present.

GARCIA-De Leon stated the vehicle was registered to him after he bought it from an individual in Miguel Aleman, Texas. GARCIA-De Leon told special agent he was on his way to McAllen with mother to do some shopping. Agents advised him that narcotics had been found in the vehicle at which time he stated he did not know anything about drugs in the vehicle. Agents told him he need to tell the truth. GARCIA-De Leon stated he had been asked to transport narcotics by and individual however he declined the offer. GARCIA-De Leon stated he agreed to smuggle money from the United States to Mexico in the vehicle. GARCIA-De Leon told agents he had made at approximately fifteen trips for the individual in the past. GARCIA-De Leon stated the vehicle had been purchased and registered under his name, for the sole purpose to smuggle money. GARCIA-De Leon stated the vehicle would be turned over to him prior to the time he was to smuggle money. GARCIA-DeLeon stated he was paid from \$500 to \$800 per trip.

GARCIA-De Leon informed the agents as to his part and actions. He would drive to a shopping plaza off Shary Rd. go into the store and at which time someone would take the vehicle and return it to him after 15 to 20 minutes. GARCIA-DeLeon stated he did not know where the money has hidden or the amount of money he was transporting.

Agent interviewed GARCIA-De Leon's mother and she provided the following information. Ms. De Leon-Castaneda stated they were going to do some shopping at Sam's Club in preparation of the Thanksgiving dinner. When asked who owned the vehicle she stated the vehicle was a family vehicle and registered to her son. She stated she gave \$1,800 to her son to purchase the vehicle

from a person selling it on social media. When asked who drove the vehicle De Leon-Castaneda stated she drove the vehicle, her son and her two daughters when in town visiting from Monterey. She stated her son would sometime loan the vehicle to his friends. Agent asked her when the last time her son allowed someone to borrow the vehicle. She stated it was Friday of last week and the vehicle was returned to him last night. She was informed and about the narcotics discovered in the vehicle stated she did not know anything about drug or her son being involved in drug smuggling.

GARCIA-De Leon was interviewed again and advised him his statement and his mother's statement were not consistent. GARCIA-De Leon stated he lied to his mother about the vehicle and that she was not involved. Agent confronted GARCIA-De Leon about his vehicle and his prior statement. GARCIA-De Leon stated he was given the money to purchase the vehicle and register it under his name. The vehicle had been purchased for \$5,000 and he kept his mother's \$1,800. GARCIA-De Leon was advised he lied about the vehicle being only turned over to him when he was expected to smuggle money and as to his destination in McAllen. GARCIA-De Leon stated the vehicle was dropped off to him last night and was told to drive to Sam's Club where the vehicle exchange was to take place. GARCIA-De Leon asked his mother to go with him to Sam's Club.

GARCIA-De Leon was arrested for Title 21 narcotics violations pending his initial appearance before a U.S. Magistrate Judge.